

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PARTNER REINSURANCE COMPANY LTD.,

Plaintiff,

-v-

RPM MORTGAGE, INC., LENDUS, LLC,
ERWIN ROBERT HIRT, TRACEY HIRT,
and THE ROBERT HIRT AND TRACEY
NAJARIAN HIRT REVOCABLE LIVING
TRUST,

Defendants.

18 Civ. 5831 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On November 13, 2020, the Court issued a decision in this case granting plaintiff Partner Reinsurance Company Ltd. (“PartnerRe”) leave to amend its complaint and, consistent with its prior scheduling order, Dkt. 119, directing the parties jointly to submit a proposed schedule by yesterday, November 18, 2020, Dkt. 120. On November 18, 2020, the Court received a letter only from PartnerRe, informing the Court that the parties could not submit a joint letter because of disagreement on two issues. Dkt. 122. The first concerns the date of defendants’ forthcoming deposition of a representative of the Ohio Department of Insurance (“ODI”), which has been delayed on account of ODI’s motion to quash defendants’ subpoena, a motion which the Court understands will soon be transferred to its docket from the Southern District of Ohio. The second concerns defendants’ newly proposed written discovery requests, which defendants failed to mention in their last communication to the Court setting forth the discovery anticipated after the Court’s ruling on plaintiff’s motion for leave to amend. *See* Dkt. 118.

It is premature for the Court to act on either issue, given PartnerRe's representations that, as of last night, counsel had not met and conferred about such matters and, indeed, had yet to agree on a time to speak. That said, the Court is dismayed that counsel cannot agree upon a schedule for completing the very limited discovery outstanding in this case. The Court expects able counsel to resolve such matters collegially, and to propose to the Court a joint schedule setting forth the next steps in this case by Tuesday, November 24, 2020. In the regrettable event that counsel are unable to accomplish this task, they are directed to submit competing proposed scheduling orders for the Court's consideration by the same date.

Counsel are advised that the Court views it as reasonable to expect the outstanding fact discovery in this case to be complete by December 17, 2020 (*i.e.*, four weeks from tomorrow).

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 19, 2020
New York, New York